

REMARKS

The Office Action dated October 1, 2007 has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 1-4, 11-16 and 23-26 have been rejected, claims 5-10 and 17-22 have been withdrawn, and no claims have been allowed. Claims 1 and 15 have been amended. Thus, claims 1 – 4, 11 – 16, and 23 - 26 are pending and submitted for reconsideration in this application. Support for the amendments may be found in the specification as originally filed. In particular, support for the amendments to Claims 1 and 15 may be found in the specification at least in paragraphs [0006] and [0008]. Applicants submit that no new matter is added. Applicants respectfully request reconsideration and withdrawal of all rejections.

Rejection Under 35 U.S.C. §112

Claims 1-4, 11-16 and 23-26 are rejected under 35 U.S.C. §112, second paragraph, as failing to satisfy the written description requirement. In particular, the Examiner stated that the original specification does not appear to teach the added limitation of “was not subjected to wire drawing”. This limitation has been removed from Claims 1 and 15.

Accordingly, Applicants respectfully request withdrawal of the §112 rejection of claims 1-4, 11-16 and 23-26.

Rejection Under 35 U.S.C. §103

Claims 1-4, 11-16 and 23-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stinson (U.S. Patent No. 5,891,191, hereinafter "Stinson"). Applicants respectfully traverse this rejection.

In the amendment, it is clarified that the present invention does not contain Ni. In contrast, the alloy fine wire in Stinson contains Ni (1% in the example). It should also be noted that the alloy is claimed as "consisting of". Therefore, the composition of the present invention is different from that of Stinson.

In Stinson, the alloy fine wire is produced by drawing. As described in the specification of the present application, a Co-Cr-Mo alloy can be plastic-worked by providing Ni therein. Stinson discloses a similar technique as the conventional technique (JP14-43314) as mentioned in the specification.

However, Ni is allergenic for the human body. On the other hand, a Co-Cr-Mo alloy fine wire not containing Ni has not previously been produced by drawing. The present invention has first produced a Ni-free Co-Cr-Mo alloy fine wire by injecting a melted Co-Cr-Mo alloy from a nozzle to form a melted alloy jet and cooling and solidifying the melted alloy jet.

Thus, the present invention is a Co-Cr-Mo alloy fine wire solves the allergenic problem for the human body and is not obvious from Stinson. The Office Action statements with respect particularly to Claim 15 do not necessary apply to an alloy where the physical structure and the chemical composition are determinative of the properties of the object being claimed. It is contended that the composition of the

present claimed invention and the cited reference are not identical or substantially identical and certainly are not produced by identical or substantially identical processes.

Thus, Applicants respectfully submit that claims 1-4, 11-16 and 23-26 are not obvious over Stinson.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 11-16 and 23-26 under 35 U.S.C. §103(a) over Stinson.

Claims 1-4, 11-16 and 23-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stinson (U.S. Patent No. 5,891,191, hereinafter "Stinson") in view of JP 2002-363675A, hereinafter "JP '675"). Applicants respectfully traverse this rejection. JP '675 fails to cure the above noted deficiencies of Stinson.

Thus, Applicants respectfully submit that claims 1-4, 11-16 and 23-26 are not obvious over the proposed combination of Stinson and JP '675.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 11-16 and 23-26 under 35 U.S.C. §103(a) over Stinson in view of JP '675.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 108421-00096.

Respectfully submitted,



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